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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MONICA BRANCH-NOTO, individually
and on behalf of JOHN DOE MINOR NO.
1, as guardian of said minor, TIFFANY
PAULSON, individually and on behalf of
JOHN DOE MINOR NO. 2 and JANE
DOE MINOR NO. 1, as guardian of said
minors,

Plaintiffs,

vs.

STEPHEN F. SISOLAK, in his official
capacity as Governor of Nevada, AARON
DARNELL FORD, in his official capacity
as the Attorney General of the State of
Nevada, CLARK COUNTY SCHOOL
DISTRICT, a public entity, DOES 1
through 100,

Defendants.

Case No. 2:21-cv-01507-JAD-DJA

**STATE DEFENDANTS' JOINDER TO
CLARK COUNTY SCHOOL
DISTRICT'S REPLY SUPPORTING
MOTION TO CONSOLIDATE CASE
NOS. 2:21-cv-01507-JAD-DJA, CASE
NO. 2:21-cv-01725-GMN-BNW and
CASE NO. 2:21-cv-02036-GMN-BNW
FOR ALL PURPOSES (ECF No. 32)**

Defendants Stephen F. Sisolak, in his official capacity as Governor of the State of Nevada, and Aaron D. Ford, in his official capacity as Attorney General for the State of Nevada (collectively the "State Defendants") hereby joins Clark County School District's reply supporting its Motion to Consolidate Case Nos. 2:21-cv-01507-JAD-DJA, Case No. 2:21-cv-01725-GMN-BNW and Case No. 2:21-cv-02036-GMN-BNW For All Purposes.

As set forth in the Motion, two of the three cases challenging school masking policies were brought by the same Plaintiffs' counsel against the same defendants for substantially the same claims under federal law Specifically, the *Ruiz* Plaintiffs allege that there case

“is a civil action under 42 U.S.C. § 1983 seeking damages and injunctive relief against Defendants for committing acts, under color of law, with the intent and for the purpose of depriving Plaintiffs of rights secured under the Constitution and laws of the United States.”¹ While there is an additional reference to the Nevada Constitution, this is the *identical assertion for relief* premised on federal statute as made in the *Branch-Noto* case.

Further, Section 1983 claims must allege a right secured by the *Constitution or laws of the United States* was violated.² Not the Nevada Constitution; the United States Constitution. Indeed, § 1983 “provides ‘a method for vindicating *federal rights* elsewhere conferred.”³ In short, the two cases concern the identical federal rights already addressed by motion practice in the *Branch-Noto* case.

To the extent Plaintiffs contend that “contradictory positions” have been asserted in the two cases,⁴ that only supports consolidation to ensure consistent adjudication by a single judge of similar issues.⁵

These common legal questions against the same school masking policy warrant consolidation for consistent adjudication by the court.

DATED this 10th day of December, 2021.

AARON D. FORD
Attorney General

By: /s/ Craig A. Newby
Craig A. Newby (Bar No. 8591)
Deputy Solicitor General
Attorneys for State Defendants

¹ Compl. at ¶ 5.

² *West v. Atkins*, 487 U.S. 42, 48 (1988) (emphasis added).

³ *Graham v. Connor*, 490 U.S. 386, 393–94 (1989) (quoting *Baker v. McCollan*, 443 U.S. 137, 144 n.3 (1979)) (emphasis added).

⁴ ECF No. 35 at 6:16.

⁵ The State Defendants disagree with Plaintiffs’ assertion that it has taken “contradictory arguments” in the respective cases, particularly Plaintiffs’ counsel’s forum shopping. The State Defendants will address Plaintiffs’ assertion in the appropriate motion practice.

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document with the Clerk of the Court by using the electronic filing system on the 10th day of December, 2021, and e-served the same on all parties listed on the Court's Master Service List.

/s/ Traci Plotnick
Traci Plotnick, an employee of the
Office of the Attorney General